IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 8880 of 2007(F)

PETITIONER:

VINODKUMAR, AGED 36 YEARS,
S/O.KUMARAN, KAVALAKKAL,
ARACKAPADI, PERUMBAVOOR.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.P.P.BIJU

RESPONDENTS:

1. THE VENGOLA GRAMA PANCHAYAT
(SPECIAL GRADE) REP. BY ITS SECRETARY,
VENGOLA P.O., PERUMBAVOOR.

2. S.R. TELECOM, ESSAR TELECOM INFRASTRUCTURE
PVT. LTD., KOCHI 682 018 REP. BY ITS MANAGER.

R1 BY ADV. SRI. SIRAJ KAROLI, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 8880 OF 2007

Dated this the 16th day of March, 2007

JUDGMENT

Sri.Siraj Karoli, Standing Counsel takes notice on behalf of the 1st respondent. The Petitioner who is a resident of the 1st respondent Panchayat complains in this Writ petition that even though the permission which had been granted by the Panchayat to the 2nd respondent to construct a mobile tower had been withdrawn by the Panchayat and the Panchayat has issued Ext.P3 notice calling upon all concerned parties for a hearing and even though the hearing is already over and decision is awaited, the 2nd respondent is going ahead with the construction of the mobile tower even without waiting for the decision.

I do not propose to examine the merits of the grounds raised and the genuineness of the grievance voided. But in view of the submission of Sri.T.A. Unnikrishnan, counsel for the petitioner that a hearing has been conducted pursuant to Ext.P3 and the endorsement of that submission by the Counsel for the Panchayat, I dispose of the Writ Petition directing the 1st respondent Panchayat to pass orders on the basis of the hearing already conducted in response to Ext.P3 at their earliest and at any rate within 10 days of receiving a copy of this judgment. As soon as the orders are passed, the same should be

communicated to the 2nd respondent. If it is true that the 2nd respondent is even now going ahead with the construction of the mobile tower, necessary action for stopping the constructions will be taken by the 1st respondent after issuing notice to the 2nd respondent.

PIUS C. KURIAKOSE, JUDGE

btt